

Iran Fishery Organization

IOTC Secretariat

Dear Mr. Alejandro Anganuzzi,

Subject: Delisting of Payam from IUU list

Date: 19/03/2011

**Submitted by Islamic Republic of Iran in 15th plenary session,
Colombo, Sri Lanka**

Respectfully, as you are aware base on existing vessels in IOTC IUU list, the Payam is one of the vessels which are proposed for listing on the IOTC vessel IUU list. For this I would like to mention following history about Payam fishing vessel and its case in Mozambique.

According to the report of Islamic Republic of Iran's Embassy in South Africa and the holding meeting on May 20, 2010 with Mr. Simeao Lopes who is Head of National Fishing Office of the Mozambique they were informed that Payam Fishing vessel has entered into Mozambican waters on 26/2/2010 and inspected by coastal guard unit. The vessel's crew had been in touch with two Nigerian nationals and one Mozambican policeman and requested for 2,000 liters of fuel and foodstuff to return Iran. The local port authorities referred the vessel to Inyamban Port for further inspection where it was anchored.

Base on surveys by representatives of I.R.Iran embassy in Pretoria, the envoys moved to Inyamban Port on May 21, 2010 and met the vessel crew where they claimed they were chased and attacked by Pirates but succeeded to escape. The place of shooting by Pirates had seen clearly on the hull of the vessel as evidence and it was witnessed by envoys. Then the vessel dragged by a Korean Vessel that are shipping on that path and take it close to Madagascar. In order to broken GPS repairing and provision of fuel and food the vessel entered to Mozambican waters in Barro area where the Mozambican Police guided her to Inyamban Port.

Payam crew had been detained in prison for 14 days and condemned for paying US\$ 57,750 to get their freedom from prison and their vessel anchoring in the port, which was not accepted by crew as unfair with respect to what had been happening to them. After telephone conversations and continues follow-up on May 24, 2010, the Mozambique authority accepted the objection and announced that with payment of US\$ 40,000 the case would be closed and the vessel and its crew can leave Mozambican waters. Finally after final agreement the vessel and its crew released on May 25, 2010 paid 600 thousand local currencies to the Bank account announced by Ministry of Fishing in Mozambique.

Considering the above mentioned events which had been reported officially by I.R.Iran embassy in Pretoria to Ministry of Foreign Affairs in Iran, our Organization anticipated that Government of Mozambique would support the vessel and its crew which had been attacked by Pirates with providing on fuel and food and facilitated their return to home country. Also the point surprised us how is it possible the amount of penalty which had issued by the court was changed. In addition the country punished the vessel base on their national legislation and released the vessel by getting penalty, after that ordered the case to putting the vessel in IUU list. Also

consideration of this point is very important that Mozambique is not a member country of IOTC.

In spite of Mozambican punishment, after surveys by Iran Fisheries Organization commission and realized the vessel infractions due to leaving of legal fishing grounds by the vessel and entrance to the other country EEZ without notice of Iran Fisheries Organization the vessel condemned to canceling its license and stopping in port for three months. Consequently the vessel owner was referred to court for further sanctions. For more clarification Iran would like to mention some points as below:

1- Whether is it acceptable for the entire members to take action subject to receive any E-mail or non verified report from any country? It is to emphasize that on the happening time Mozambique was not the member of the Commission.

2- Whether the other members accept any report for putting a vessel in IUU list while they have not received any documentation regarding to the claim.

3-Base on current law is logical and legitimate a country punished a vessel by incarcerate and punishment the crew of the vessel while the evidence show the vessel attack by pirates. This is similar to a condition when you driving in a road and you ask a policeman to help you because somebody chase and follow you suspiciously and you stay on danger and the police arrested you because you don't fasten your seat belt.

4- Base on international law for one fault and guilt how many times we should punish a guilty person or vessel. Payam crew sent into prisons for two weeks by Mozambique. They gave the ratified penalty to the Mozambique government. Then the Iran Fisheries Organization condemned to canceling its license and stopping in port for three months. Consequently the vessel owner was referred to court for further sanctions.

For all the above mentioned we believe the period of sanctions and amount of penalty that were applied to the vessel are adequate in severity and the vessel owner has been suffered a huge number of torts and damages during past year. Nowadays the vessel has been punished by more than one year interruption in their activity and expecting the result of this meeting result. In conclusion I.R.Iran offers their request to delist the vessel from the IOTC IUU provisional list.

With best regards
M.Ghasemi Godarzi
Deputy of Iran Fisheries Organization